

## Provisional Ballot Questions

### What is a Provisional Ballot?

- A provisional ballot allows the voter to cast a vote if:
  - (1) There is a question about the voter's qualification to vote in the precinct (e.g., the voter is not on the poll book) which is not resolved by a fail-safe procedure and the voter believes he/she is qualified to vote in the precinct.  
—OR—
  - (2) The voter has been challenged as not qualified to vote in his/her precinct (example: the voter did not have photo identification)

### If I have to cast a provisional ballot because I didn't have a photo ID how much time to I have to present it to the clerk's office?

- You have until **noon 10 days after the election, until May 12<sup>th</sup> for the Primary Election on May 2<sup>nd</sup>**, and until **November 17<sup>th</sup> for the General Election on November 7<sup>th</sup>**.

### In what situations should a voter be challenged and cast a provisional ballot?

1. If the voter is **unable to present photo ID** that meets the photo id requirements.
2. If the **voter's name does not appear on the poll list** (the voter is not registered to vote in the precinct) unless the voter qualifies to vote using one of the "Fail-Safes".
3. The voter's name appears on the poll list, but the **voter does not currently reside in the precinct** unless the voter qualifies to vote using one of the "Fail-Safes"
4. The poll list indicates that the voter is also required to present **additional documentation to verify their residence**, but is not able to do so.
5. The voter is not a U.S. citizen.
6. The voter will not be 18 years of age or older at the general election.
  - **NOTE:** Otherwise qualified 17 year olds may vote in a primary election, but NOT for a school board office, political party office (such as precinct committeeman or state convention delegate) or on a public question voted on at the same time as the primary.
7. The **voter's signature on the poll list does not match that on the registration record** of the county.
8. In a primary, the voter is **not affiliated with the party whose ballot the voter is requesting**.
  - **EXCEPTION:** A voter challenged in a primary due to party affiliation is NOT issued a provisional ballot. If the challenged voter is willing to complete and sign the challenged voter's affidavit (Form PRE-6; reverse), then the voter is issued the regular ballot of that party, which is NOT kept separate from the undisputed ballots cast in the precinct.

### Who may Challenge a Voter?

1. A **member of the precinct election board** (the inspector or either judge).
2. A **poll clerk** (but only if the clerk does so based on a questionable **signature by the voter on the poll list**).

3. A challenger appointed by a candidate, or a political party.
  4. During a primary election, a voter who is a member of the political party whose ballot is being requested by the voter.
- A person may not challenge the right of an individual to vote at an election in the precinct solely on the basis of the individual's:
    - (1) Enrollment in an educational institution; or
    - (2) Registration to vote at an address that is housing provided for students by the educational institution.
    - (3) Actual or perceived affiliation with a political party; or
    - (4) Support or opposition to a candidate or the adoption of a public question.

### **What is the Provisional Ballot process?**

- The provisional ballot process begins when the **challenger and the voter complete the Challenged Voter's Affidavit** detailing the voter's information and the reason for which a provisional ballot is required. The voter then votes using a provisional ballot and seals it inside a PRO-2 security envelope.
- The provisional ballots must, at all times, **remain separate from all other ballots.**
- After the polls close, the inspector and the judge of the opposite party return the provisional ballots to the County Election Board. Provisional ballots shall be transported along with all other ballots to such authority but must be kept in a *separate, sealed container.*

### **How does a voter cast a provisional ballot?**

- Generally, the same rules and procedures that apply to casting a traditional paper ballot apply to casting a provisional ballot, but there are some special procedures that are similar to casting an absentee ballot:
  1. The voter must mark the provisional ballot privately, unless the voter is entitled to and requests assistance.
  2. The voter must enclose the provisional ballot inside a provisional ballot secrecy envelope provided for this purpose (Form PRO-2) and seal the envelope.
  3. The voter must return the sealed envelope, with the ballot inside, to the inspector.

### **Will my ballot be opened?**

- The **ballot's validity will be determined by evaluation of the information on the OUTSIDE of the envelope regarding the voter's qualifications in that precinct.** The envelope will only be opened after the voter's eligibility is determined to be accurate based on the evaluation of their voter eligibility and assessment of the voter's needed documentation (if applicable).

### **What will the County Election Board use to determine if my ballot is valid?**

- When verifying the provisional ballots the election authority must determine whether:
  1. The written affirmation signed by the provisional voter is properly executed;
  2. The provisional voter is *registered* and qualified to vote under state law in the election (registration status should be confirmed by checking the relevant voter registration authority, such as the county voter registration official or the motor vehicle department); and

3. The provisional voter cast no other ballot (e.g. a regular ballot, an absentee ballot, or a separate provisional ballot) in the election.
- If all of these inquiries are answered in the affirmative, the election authority should indicate that the provisional ballot is valid and provide the evidence for this conclusion. If one or more of these inquiries is answered in the negative, the election authority should indicate that the provisional ballot is invalid and provide the evidence for this conclusion.

**When will my ballot be opened and counted?**

- Once the process of verifying the provisional ballots is completed, the election authority may then open the valid provisional ballots and commence the tabulation process for those ballots
- The envelopes containing **provisional ballots cast by voters who are determined to be ineligible or whose eligibility cannot be verified should remain unopened, and the provisional vote should not be counted.**

**How will I know whether my provisional ballot was counted or not?**

- The voter will be able to contact the county election board after Election Day to find out whether the voter's ballot was counted, and if it was not counted, why not.
- The voter may also visit the Secretary of State's website, [www.sos.in.gov/elections](http://www.sos.in.gov/elections) to find out.